

REMARKS

Upon submission of this Amendment, claims 1-4, 6-8, 10-13 and 16-20 are pending in the application. Reconsideration of the application as submitted, is respectfully requested.

Claims 1-3, 6, 7, 10, 12-17, 19 and 20 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Pape, U.S. Patent Number 6,487,984. It is respectfully submitted that Pape does not teach a cleat comprising a leg, a pair of projections extending from the leg, and a hand grip aperture formed in the leg and means for adjustably mounting the cleat on a support, the mounting means including a strap and a slot formed in the cleat for receiving a strap, as set forth in claim 1, from which claims 2-3, 6-7, 10 and 12 depend.

Pape teaches a boat cleat assembly including a base plate having a cleat member attached by fasteners to an upper surface. A fixed length cylindrical rod member has an upper end permanently attached to the lower surface of the base plate. Pape lacks means for adjustably mounting a cleat on a support since the rod, when mounted on a boat fitting, has a fixed, non-adjustable length. The lower end of the rod is provided with means for temporarily securing the rod to the rod-receiving member in the interior hull space of a boat to prevent the cleat assembly from becoming inadvertently disengaged. The rod is removable from the rod-receiving member but it is not lengthwise adjustable.

For this reason, claims 1-3, 6-7, 10 and 12 are submitted to patentably define over Pape and are not anticipated by such.

Regarding claim 13, from which claims 16-17 and 19-20 depend. It is respectfully submitted, that Pape does not teach a cleat comprising a leg, a pair of projections extending from the leg, hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the handgrip means being an aperture in the leg having a surface with the length to receive four fingers of a human hand; and an outer surface of the leg having a substantially convex surface shape, as set forth in claim 13, from which claims 16-17 and 19-20 depend.

Pape lacks hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the means being an aperture in the leg having a surface with the length to receive four fingers of a human hand and an outer surface of the leg having a substantially convex surface shape, as set forth in claim 13, from which claims 16-17 and 19-20 depend therefrom. Pape has a small aperture in the leg that limits the receiving of a full human hand and the outer surface of the Pape leg possesses a straight edge (not a substantially convex surface shape) with tapered corners.

For these reasons, claim 13, 16-17 and 19-20 are submitted to patentably define over Pape and are not anticipated by such.

Claims 4-5, 8-9, 11 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Pape in view of Jones, U.S. Patent Number 5,810,113. The Examiner asserts "It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a strap and a clasp means as an adjustable mounting means for a cleat, as taught by Jones, in place of the adjustable mounting means of the cleat as disclosed by Pape for the purpose of providing a mounting means for a cleat onto a support that allows said cleat to be more versatile and positionable."

Combining the strap and a clasp means as an adjustable mounting means for a cleat, as taught by Jones, in place of the releasible mounting means of the cleat disclosed by Pape does not yield a cleat comprising a leg, a pair of projections extending from the leg, and a hand grip aperture formed in the leg and means for adjustably mounting the cleat on a support, wherein the mounting means includes a strap and a slot formed in the cleat for receiving a strap, as set forth in claim 1, from which claims 4-5, 8-9, and 11 depend.

Pape lacks means for adjustably mounting a cleat on a support since the rod, when mounted on a boat fitting, has a fixed, non-adjustable length. The lower end of the rod is provided with means for temporarily securing the rod to the rod-receiving member in the interior hull space of a boat to prevent the cleat assembly from becoming inadvertently disengaged. The rod is removable from the rod-receiving member but it is not lengthwise adjustable.

Furthermore, the combined art would still lack mounting means including a strap and a slot formed in the cleat for receiving the strap. Neither, the Examiner nor the cited art suggest how the features of the two apparatuses can be combined to form the structure claimed in the present invention.

As such, the Examiner has failed to provide a prima facie case of obviousness for rejection of the claims.

For these reasons, it is respectfully submitted that claims 4-5, 8-9 and 11 patentably define over any permissible combination of Pape and Jones and are not rendered obvious by such.

Regarding claim 18, combining the cited art does not produce a cleat comprising a leg, a pair of projections extending from the leg, hand grip means formed on the cleat for forming a hand grip surface capable of receiving a full human hand, the means being an aperture in the leg having a surface with the length to receive four fingers of a human hand and an outer surface of the leg having a substantially convex surface shape, as set forth in claim 13, from which claim 18 depends.

Pape has a small aperture in the leg that limits the receiving of a full human hand and the outer surface of the Pape leg possesses a straight edge (not a substantially convex surface shape) with tapered corners.

As such, the Examiner has failed to produce a prima facie case of obviousness to support a rejection of claim 18.

For these reasons, it is respectfully submitted that claim 18 patentably defines over Pape in view of Jones and is not obvious by such.

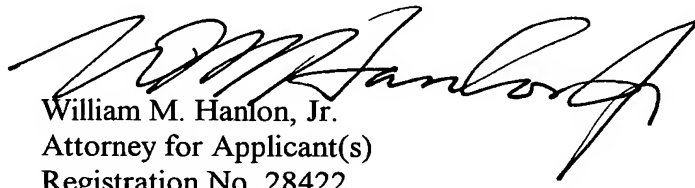
Application Serial No. 10/619,530
Date April 28, 2004
Reply to Office Action dated January 28, 2004

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If the Examiner feels the prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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Dated: April 28, 2004
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